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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/027,238	12/20/2001	John P. Sherwin	1238.17519	9086

7590 07/14/2004

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EXAMINER

CHIN, PAUL T

ART UNIT PAPER NUMBER

3652

DATE MAILED: 07/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/027,238

Applicant(s)

SHERWIN, JOHN P.

Examiner

PAUL T. CHIN

Art Unit

3652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15, 16, 20-22, 24 and 25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16, 20-22, 24 and 25 is/are allowed.
- 6) ☒ Claim(s) 15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 June 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Continued Prosecution Application

1. The request filed on June 1, 2004, for a Request for Continued Examination (RCE) under 37 CFR 1.114 based on parent Application No. 10/027,238 is acceptable and a RCE has been established. An action on the RCE follows.

Claim Objections

2. Claims 16 and 25 are objected to because of the following informalities: claim 25 is a duplicate of claim 16 and one of the claims is necessary to be cancelled. Appropriate correction is required.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 15 is rejected under 35 U.S.C. 102(b) as being anticipated by **Holter (5,727,832)** (see Paper No. 6).

Holter (5,727,832) discloses an end effector (5) for a robot (75), comprising a vacuum plenum having a mounting plate (10) mounted to the robot; the plate having a first surface and the second surface, the opposite of the first surface; a vacuum port (12) (see Fig. 2) located on the first surface of the plate passing through the plate wherein the vacuum port is being connected to a means for drawing vacuum or a vacuum source (not shown) (Col 3, lines 25-40); a surround (18,18,30,30) located on the second surface of the plate, the surround enveloping

Art Unit: 3652

the vacuum port (see Fig. 2) wherein the vacuum plenum includes the mounting plate, the port, and the vacuum source; a first gripping element (45) or blade mounted to the plate gripping element having which has a substantially smooth surface at the outside portion (see Fig. 2), and being *a stationary blade* rigidly mounted generally perpendicular to the plate (10); and a second gripping element (40) or blade *movably mounted* to the plate in spaced parallel relation opposite of the first gripping blade, the second gripping blade having a substantially smooth surface located at the outside surface (see Fig. 1), wherein the gripping blade being movably mounted generally perpendicular to the plate and wherein the first and second blade are located outboard the surround (see Fig. 4).

Re claim 15, Holter's device (5,727,832) further shows a plurality of suction cups (85,85) located on an arm (84) (see Fig. 1) and the arm is indirectly mounted to the plate and in substantial perpendicular relationship the plate, and wherein the suction cups further having means for drawing vacuum (see Fig. 1).

Allowable Subject Matter

3. Claims 16,20-22,24, and 25 are allowed. However, one of the claims 16 and 25 needs to be cancelled.

Response to Arguments

4. Applicant's arguments filed June 1, 2004 have been fully considered but they are not persuasive (see the answer to applicant's argument in the final office action. It appears that applicant mistakenly put claim 15 in the claim list.

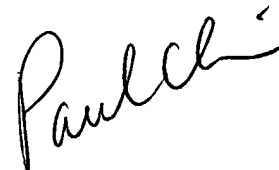
Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAUL T. CHIN whose telephone number is (703) 305-1524. The examiner can normally be reached on MON-THURS (7:30 -6:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, EILEEN LILLIS can be reached on (703) 308-3248. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



PAUL T. CHIN
Examiner
Art Unit 3652